

REQUEST FOR SECOND AMENDMENT TO APPLICATION  
DATED MARCH 31, 1975 OF AL-JORDAN REALTY CORP.  
FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT  
UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.),  
AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960,  
AS AMENDED, TO BE UNDERTAKEN AND CARRIED OUT BY  
THE APPLICANT.

The undersigned hereby request the Boston  
Redevelopment Authority to approve an amendement of the Ap-  
plication referred to above substituting for Exhibit F  
thereto as originally filed an Exhibit F in the form attached  
hereto.

*He*  
EXECUTED this 27 day of May, 1975.

*/s/ Howard E. Hassler*  
Howard E. Hassler

*/s/ Frank J. Zamboni*  
Frank J. Zamboni

*/s/ Benjamin Frank*  
Benjamin Frank

EXHIBIT F

Minimum Standards for Financing, Construction,  
Maintenance and Management of Project under  
Chapter 121A of the Massachusetts General Laws,  
as Amended.

1. Financing. The initial financing of the cost of the Project shall be in accordance with this Application. All other future financing shall be made only with the prior written approval of the Authority to the extent required by Section 7 of Chapter 121A.

2. Construction. The 121A Corporation shall cause the Project to be constructed in good and workmanlike manner employing materials of good quality and so as to conform to this Application, zoning, building, health and fire laws, codes, ordinances and regulations in effect in Boston except to the extent that permissions are granted by the Authority with the approval of the Mayor for the Project to deviate from this Application, laws, codes, ordinances or regulations.

3. Maintenance. Upon completion of construction, the 121A Corporation shall, at its own cost and expense, keep and maintain the Project or cause it to be kept and maintained in good repair, order and condition.

4. Management. The 121A Corporation intends to lease the entire Project to Jordan Marsh Company (Boston). The 121A Corporation will manage the Project.

5. Accounting. The 121A Corporation shall keep and maintain, at all times during the period of forty (40) years, accounting records conforming to generally accepted accounting principles in which shall be recorded all sums from time to time invested in the Project or comprising any part of the cost thereof as hereinafter defined and all information necessary for the computation of (a) the amounts which the 121A Corporation is required to pay pursuant to the provisions of Sections 10 and 15 of Chapter 121A of the



General Laws as now in effect, and (b) the maximum amounts which the 121A Corporation shall be entitled to receive and accept pursuant to the provisions of Section 9 of Chapter 121A as now in effect. Within ninety (90) days after the end of each fiscal year of the 121A Corporation wholly or partly included within the period of forty (40) years referred to above the 121A Corporation shall submit a statement showing for that fiscal year or part thereof included within the forty (40) year period the amounts of Items (a) and (b) above and in reasonable detail the manner of computation of such amounts. Such statements shall be certified to by independent public accountants of recognized standing selected and paid for by the 121A Corporation or an affiliate thereof. The Authority shall, at all reasonable times, be permitted to examine and audit all such accounting records and may, in its discretion and at its expense, employ independent public accountants to examine and audit such statements and records.

The Cost of the Project shall be determined by the addition of the following items of expense heretofore or hereafter incurred by the 121A Corporation, in connection with the planning and construction of the Project:

1. Architectural, engineering and legal fees and expenses.
2. Cost of the land and cost of site preparation (including demolition).
3. Cost of maintaining the site and improvements prior to and during the construction period.
4. Cost of all real property improvements including, without implied limitation, the building, landscaping, walks, driveways and utility and drainage facilities.
5. Expenditures for acquiring, constructing and installing furniture, furnishings, machinery, equipment and other personal property used or to be used in the construction,



operation, use, management and maintenance of the Project which, under the generally accepted accounting principles, would be treated as capital expenditures.

6. Fees, taxes, assessments and excises and similar payments (including payments pursuant to Chapter 121A) prior to and during the construction period.

7. Interest and other financing costs and expenses.

8. Any other direct and indirect expenses which, under generally accepted accounting principles, would be treated as capital expenditures (including the book value of abandoned real or personal property and administrative costs of supervision and management).

For the purpose of the computation required by Sections 9, 10 and 15 of Chapter 121A of the General Laws as now in effect, the Cost of the Project may, at the election of the 121A Corporation, be amortized at such annual rates and methods as in each year during the forty (40) year period may be allowed to the 121A Corporation by the Internal Revenue Service of the United States of America or at such other annual rates and methods as are in accordance with generally accepted accounting procedures, but no change shall be made in such methods without the Authority's consent, which shall not be unreasonably withheld. The terms "Gross Income" and "Gross Receipts" as used in said sections shall be determined in accordance with generally accepted accounting principles and shall include all revenues of any kind of the 121A Corporation in the operation of the Project.

6. Dividends Payable by 121A Corporation. The 121A Corporation shall be entitled to distribute to its stockholder or stockholders dividends not exceeding six per cent of the par value of the stock, except that, if in any year it has so distributed a sum less than the aforesaid six per cent, it may so distribute in a subsequent year or years additional

sums not exceeding in the aggregate such deficiency without interest. The amounts so distributed shall be included among the deductions from gross receipts set forth or referred to in Section 15 of Chapter 121A.



## MEMORANDUM

JUNE 12, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: SECOND AMENDMENT TO THE CHAPTER 121A APPLICATION OF  
AL-JORDAN REALTY CORP.

On May 1, 1975, the Authority approved the 121A Application of Al-Jordan Realty Corp.

The Applicant sought consent for the formation of a Chapter 121A Corporation which entity would demolish buildings on Washington Street between Summer and Avon Streets, construct a new building and rehabilitate those portions of the existing buildings which were to remain. This undertaking would result in a retail facility with a total floor space of approximately 700,000 to 800,000 square feet.

The Applicant has requested that the Authority approve a Second Amendment to its original Application dated March 31, 1975, by deleting the definition of "Gross Income and Gross Receipts" included in the last sentence of Paragraph 5 of Exhibit F and substituting therefor the following language:

"The terms 'Gross Income' and 'Gross Receipts' as used in said sections shall be determined in accordance with generally accepted accounting principles and shall include all revenues of any kind of the 121A Corporation in the operation of the Project."

The Applicant has requested the revision because it included the original definition in error and the original definition is inconsistent with the proposed Agreement between the Applicant and the City of Boston and such a definition would, according to the Applicant, make the Project infeasible.

The Amendment has been reviewed by the City Assessor's Office and it has been determined that it does not conflict with the terms of the proposed Agreement with the City. The Amendment has also been reviewed by the Chief General Counsel's Office, and it has been determined that the Amendment is minor and does not require a public hearing.

It is therefore recommended that the Authority approve the Second Amendment to the Chapter 121A Application for Al-Jordan Realty Corp.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled "Request for Second Amendment to Application dated March 31, 1975 of Al-Jordan Realty Corp. for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.), as amended, and Chapter 652 of the Acts of 1960, as amended, to be undertaken and carried out by the Applicant" and the form attached thereto as Exhibit F, be and hereby is approved and adopted, and that the Report and Decision adopted by the Authority on May 1, 1975 now refers to Exhibit F as amended hereby.